[Sri V. K. Ramaswamy Mudaliyar] [15th December 1961

sent to the Press yesterday. Therefore I am not in a position to present now the printed report. The printed report will be subsequently circulated to all hon. Members.

(3) THE COMMITTEE ON SUBORDINATE LEGISLATION

SRI K. VINAYAKAM : I present the Eighteenth Report (Second Assembly) of the Committee on Subordinate Legislation. I may add that there are no pending papers before our Committee. We have disposed of every matter that was placed before us.

(4) THE COMMITTEE ON GOVERNMENT ASSURANCES

SRI S. M. ANNAMALAI : I present the Eleventh Report (Second Assembly) of the Committee on Government Assurances.

VI.—STATEMENT ON THE REPORT OF THE COMMITTEE OF PRIVILEGES (THE OBSTRUCTION CASE).

THE HON. SRI C. SUBRAMANIAM : The matter which has been referred . . .

DEPUTY SPEAKER : I think the Hon. Leader of the House can move the motion.

THE HON. SRI C. SUBRAMANIAM : I am not going to move the motion. I am going to make a statement.

This matter was referred to the Privileges Committee for consideration. The Privileges Committee was confronted with a very embarrassing and naughty issue. Sri Kalyanasundaram, who is a member of the Privileges Committee, is also involved in the incidents.

SRI M. KALYANASUNDARAM : 'Alleged to be involved'

THE HON. SRI C. SUBRAMANIAM : 'Involved' in the sense that the Privileges Committee will go into the questions of involvement of the hon. Member also.

Therefore the Privileges Committee considered the question whether a Member who has a vital interest in this matter, could, participate in the proceedings of the Privileges Committee. There are precedents for this. Precedents are to the effect that those who are vitally interested in an yproceedings, as a matter of fact even with reference to proceedings in this House, those who have a personal and vital interest in any matter, should make a statement and then they should retire. They should thereafter not take any part in proceedings of the Houses. The same applies all the more to the proceedings of the Privileges Committee. It is only in the nature of a quasi-judicial proceeding. Nobody can be a judge of his own cause and that is a well-known principle. As a matter of fact this should apply to persons who raise privilege motions with reference to incidents or speeches concerning themselves. I did not want to press this issue when the Privilege motions with regard

to 'Mail case' came, because I found that the very persons who were involved in this question of privilege did participate in the proceedings of the Privileges Committee. I think we should set up a healthy principle. Therefore I am in full agreement with the recommendations of the Privilege Committee that persons vitally interested in any matter, those personally interested in the matter, should withdraw from the Committee and allow the Committee to proceed with the work without their being present there. We have reached a stage wherein no purpose will be served by moving this motion and even by our accepting it. In future, if such a matter, arises, if a Member is not willing to withdraw from the proceedings, again the matter will have to come to the House and the House will have again to take a decision in regard to that matter. My suggestion would be for the next House to consider whether we cannot make a provision in our rules, wherein if the Chairman of a Committee of the House feels that a person is interested in a matter and therefore it will not be desirable for that person to participate in the proceedings of the Committee, he could report to the Speaker and take the decision of the Speaker as final with regard to the participation of the concerned Member in the proceedings of the Committee. As a matter of fact such a thing should be considered and necessary provisions in the rules could be made as such. Therefore this should be a matter which should be considered thoroughly by the next Legislative Assembly and necessary provision made in the rules. I do not think any purpose could be served in moving the motion. Therefore I do not propose to move it.

SRI M. KALYANASUNDARAM: On a point of personal explanation, Sir. It should not appear as though. I refused to retire. In fact I was absent in the subsequent meetings with a view not to embarrass the Committee. If I had wanted I could have attended the other meetings of the Committee. But unfortunately the Committee took a different view. I am not entering now into the merits of the issue because it won't serve any useful purpose. I am now glad that the Hon. Leader of the House is not pressing the motion.

THE HON. SRI C. SUBRAMANIAM: I am glad to hear that the hon. Member Sri Kalyanasundaram was absent purposely because it was never brought to our notice that he was absenting himself because of this embarrassing situation. We thoukht that due to his physical illness he was not attending the other meetings of the Committee. What I had said before is not with reference to the hon. Member Sri Kalyanasundaram alone. I am sure that the hon. Member Sri Kalyanasundaram will always maintain the prestige of the House and will act in such a manner which will not cause embarrassment to anybody. What I have said applies in general, to any Member, not with reference to Sri Kalyanasundaram alone, who may not be willing to retire from the proceedings of the Committee. Therefore it is better it goes under the Rules.